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Director's Office
Group 3700

In re Application of
KIMURA ET AL.
Application No.: 09/983,017
Filed: October 22, 2001

:
: **DECISION ON PETITION**
: **TO RESET PERIOD FOR REPLY**
:

This is a decision on the petition filed on August 2, 2002, requesting that the shortened statutory period for reply set forth in the Office communication mailed on July 26, 2002 be restarted to run from the actual mailing date shown by the envelope postmark.

The petition is dismissed.

MPEP 710.06 states in part:

The Office will grant a petition to restart the previously set period for reply to an Office action to run from the postmark date shown on the Office mailing envelope which contained the Office action when the following criteria are met:

(A) the petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address;

(B) the reply period was for payment of the issue fee, or the reply period set was 1 month or 30 days; and

(C) the petition includes (1) evidence showing the date of receipt of the Office action at the correspondence address (e.g., copy of the Office action having the date of receipt of the Office action at the correspondence address stamped thereon, etc.), (2) a copy of the envelope which contained the Office action showing the postmark date, and (3) a statement setting forth the date of receipt of the Office action at the correspondence address and stating that the Office action was received in the postmarked envelope.

In this case, item (B) was not met since the reply period was not for the payment of the issue fee or a reply period set at 1 month or 30 days. The shortened statutory period for reply set by the examiner was three months.

Summary: Dismissed.

Richard A. Bertsch, Director
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